

Title 1 General Provisions Sec 10.99

Sec. 10.99. - General penalty; enforcement of ordinances; continuing violation.

new

(A)

Civil penalty. Any person, firm or corporation who violates any provision of this code shall be subject to a civil penalty in an amount not to exceed \$500.00.

(1)

Civil penalties shall be assessed by written notice from the Town Manager to the offender describing the violation and the amount of the penalty. The amount of penalty shall be determined by the Town Manager and shall be commensurate with the violation. Where applicable the notice shall state that each day the violation continues shall be an additional and separate violation subject to the same daily civil penalty set forth in the notice. The notice shall further state that no additional notice will be sent for continuing violations and penalties.

(2)

The notice shall inform the recipient that he or she, within ten days of receipt of notice of the violation, may in writing request a hearing before the Town Manager on the notice of violation and assessment of the penalty. If a request for hearing is made, the Town Manager shall schedule the hearing as soon as practical. Following the hearing, the Town Manager in writing shall affirm, reverse, or modify the notice of violation and shall have the authority to reduce or reverse the imposition of the penalty assessed.

(3)

The decision of the Town Manager may be appealed by written notice to the Board of Commissioners. Notice of appeal to the Board must be given within ten days of the date of the Town Manager's written decision. If an appeal is made, a hearing shall be held before the Board of Commissioners as soon as practical. The Board, by a written order entered as soon after the hearing as practical, shall affirm, reverse, or modify the notice of violation and shall have the authority to reduce or reverse the imposition of the penalty assessed.

(4)

Civil penalties shall be paid to the town within 30 days after the assessment is made if no hearing is requested, or within 30 days after the assessment is affirmed if a hearing by the Town Manager is requested or an appeal to the Town Board is made. If not so paid, the Town may initiate a civil action in the nature of collection of a debt to collect any unpaid penalty.

(5)

The person, firm or corporation who violates any provision of this code shall be subject to the civil penalty provided herein; however, there is a rebuttable presumption that the owner of property where a violation occurs is responsible for the violation.

(6)

Payment of a civil penalty shall not be evidence of, or an admission of, criminal guilt.

(B) **Misdemeanor offense.** If any person shall violate any provision of this code he or she shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500.00.

Title V Public Works Chapter 51, 52, and 53

Sec. 50.33. - Burning leaves, limbs and the like.

No person shall burn leaves, shrubs, trees, limbs and the like on the streets or sidewalks or on private property, except upon special permission of the Chief of the Fire Department.

Sec. 50.35. - Unlawful deposits.

No person shall throw, drop or deposit, or cause to be thrown, dropped, deposited, on any land in the town (vacant or occupied, including specifically streets, alleys, sidewalks, gutters, ditches, drainage canals, or other public and/or semi-public areas or in all waters under the jurisdiction of the town and other public and other semipublic areas or in all waters under jurisdiction of the town) any waste including but not limited to refuse, garbage, ashes, rubbish, dead animals or fish, paper, drinking cups, broken glass, tacks, brush, grass, weeds and anything injurious to health. If any person, while transporting or hauling or causing to be transported or hauled, the rubbish, material or earth excavation, coal or other material, shall throw, drop or deposit or cause to be thrown, dropped or deposited, the rubbish or material from the body of the vehicle, in violation of the provisions of this section, must daily clean up and remove the rubbish or material in a manner satisfactory to the Director of Public Works, failing which the Department of Public Works may clean up and remove the rubbish and material, and the town may collect the cost of the cleaning up and removal from the person.

Sec. 50.99. - Penalties and remedies.

Any person violating any provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by [section 10.99](#). Each day such violation continues shall be deemed a separate offense. Nonpayment of the garbage collection fee shall not be considered a violation of the criminal law, but the town shall have the authority to discontinue garbage collection services once payment of the fee is delinquent as provided herein. Additionally, the town shall have the power to collect all delinquent accounts by any remedy provided by law for collecting and enforcing private debts.

Sec. 51.04. - Encroaching on utility right-of-way or easement.

No person shall in any way excavate or cause to be excavated, construct or cause to be constructed in any way any structure or object of any kind in any public utility right-of-way or easement owned or under the possession and control of the town without first obtaining written permission to excavate or construct within the utility right-of-way or easement from the Town Administrator or Public Works Director.

Sec. 51.05. - Interference with public utilities.

It shall be unlawful for any person to obstruct, interrupt or interfere with any of the public utility water or sewer lines owned or under the control or use of the town without having first obtained written permission from the Town Administrator or the Public Works Director.

Sec. 51.99. - Penalty.

Any person violating any provision of this chapter and Chapters [52](#) and [53](#) shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by [section 10.99](#).

Sec. 52.30. - Issuance of proclamation.

In the event of an existing or threatening state of emergency endangering the safety, health or welfare of the people of the town, or threatening damage or destruction of property, arising from the shortage or threatened shortage of water, the Mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of the state of emergency, and to define and impose the appropriate prohibitions and restrictions resulting from the water shortage applicable to all persons within the jurisdiction of the town in order to meet the exigencies of the predetermined state of emergency.

Sec. 52.50. - Private wells prohibited generally.

It shall be unlawful for any person to construct, drill, dig or drive a well for the purpose of furnishing, supplying or providing water from the well to any dwelling house, dwelling unit, boardinghouse, business or commercial establishment, industrial buildings or structures or any other improved property, in any manner whatsoever except as provided in this article.

Sec. 52.51. - Supplying of water prohibited generally.

It shall be unlawful for any person to furnish, supply or provide any water from a private well to any dwelling house, dwelling unit, boardinghouse, commercial or business establishment, industrial building or structure, or any other improved property, except as expressly allowed in this article.

Sec. 52.53. - Connection to town system prohibited.

It shall be unlawful for any private water supply to be connected in any way to the town's municipal water system, or to any dwelling house, dwelling unit, boardinghouse, business or commercial establishment, industrial building, or other improved property except for a purpose other than for human consumption.

Sec. 52.99. - Penalty.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to [§ 51.99](#).

(B) During the existence of the proclaimed state of emergency, it shall be unlawful for any person to violate any provision of the proclamation with regard to the prohibitions, restrictions and limitations stated therein regarding the usage of water. Any person violating any provision of the proclamation enacted or proclaimed under the authority of [section 52.30](#) et seq. shall be guilty of a misdemeanor punishable as provided by [section 10.99](#).

(C) Violation of [section 52.50](#) et seq. shall constitute a misdemeanor punishable as provided by [section 10.99](#).

Sec. 53.03. - Protection from damages.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any equipment or materials belonging to the town used for the purpose of making tests or examinations and left upon the premises of a person discharging wastes into the sewers.

Sec. 53.35. - Use of public sewers required.

A) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the town or in any area under the jurisdiction of the town any human or animal excrement, garbage or objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the town or in any area under the jurisdiction of the town any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and with regulations of the Division of Environmental Management, state's Department of Natural Resources and Community Development. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

(C) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the town, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the public sewer is within 150 feet of the property line.

Sec. 53.36. - Private disposal.

(A)Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with applicable state standards. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain written approval of the state acting through the county's Health Department. The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health and Division of Environmental Management of the state. No septic tank or cesspool shall be permitted to discharge to any natural outlet. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the town.

(B)At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 60 days. Under unusual and/or special circumstances the local government may extend the time of compliance or waive this provision.

Sec. 53.39. - Damaging or obstructing system.

It shall be unlawful for any person to damage, tamper with or otherwise do harm to the mains, pipes, manholes, apparatus or other parts of the sanitary sewer system, or to place or cause to be placed any object of any nature whatsoever into the system that blocks or obstructs or impedes the normal flow in the sewer system.

Sec. 53.60. - Scope and purpose.

To aid in the prevention of sanitary sewer blockages and obstructions created by the accumulation of fats, oils, greases, and sand into said sewer system from commercial and institutional establishments, particularly food preparation businesses, food serving facilities, and car washes.

Sec. 53.99. - Penalty.

(A)Violation of this chapter shall constitute a misdemeanor, punishable as provided in [§ 10.99](#). In addition, or in lieu of, or together with any criminal penalties, the town shall be entitled to injunctive relief together with any damages caused by a violation of this chapter.

(B)(1)It shall be a violation of [§ 53.60](#) et seq. for any user to allow floatable oils, fats, greases or detrimental settleable solids to enter the town's sanitary sewer collection system because of failure to install or inadequate maintenance and/or inadequate servicing of a grease trap or installed grease handling devices.

(2)Any user found in violation of [§ 53.60](#) et seq. shall be notified in writing by certified mail of said violation and said user shall be required to provide a written schedule whereby corrections will be completed and furthermore provide a written schedule for future servicing of the devices. Penalties and remedies for violation of this section are provided in [§ 10.99](#) of the town code. Users known to be in violation shall be subject to fines of up to \$500.00 per day until actions are taken to prevent said violations from recurring.

(3)Users who continue to violate [§ 53.60](#) et seq., up to three violations within 12 months, may be considered for discontinuance of sewer service.

(4)Users whose operations cause or allow excessive grease or settleable solids to discharge or accumulate in the town's sanitary sewer collection system may be liable to the town for costs related to service calls for line blockages, line cleaning, line and pump repairs including all labor, material, and equipment. Failure to pay all service related charges may be grounds for sewer service discontinuance.

(5)In the event an existing cooking establishment or car wash interceptor is inadequate or substandard in accordance with [§§ 53.60](#) et seq., the user will be notified in writing through certified mail of the deficiencies, required improvements, and given a compliance deadline not to exceed six months to conform with the requirements of [§ 53.60](#) et seq.

TITLE VII - TRAFFIC CODE

CHAPTER 70. - GENERAL PROVISIONS^{[\[1\]](#)}**Sec. 70.01. - Definitions.**

The definitions and interpretations of terms as used in this chapter shall be the same as set forth in G.S. Chapter 20.

Sec. 70.02. - Required obedience.

It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

Sec. 70.03. - Persons propelling pushcarts, riding bicycles or animals to obey traffic regulations.

Every person propelling any pushcart or riding a bicycle or an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

Sec. 70.04. - Schedule of traffic regulations; incorporation by reference.

(A)Traffic and parking on municipal streets, public alleys, and municipal parking areas shall be controlled as designated in a "Schedule of Traffic Regulations." Further, the town shall have authority to designate fire lanes and traffic and parking restrictions therein on private property with public vehicular areas subject to the jurisdiction of the town. The Town Clerk shall compile all existing municipal traffic regulations into such schedule and shall incorporate future amendments therein. The Schedule of Traffic Regulations, as amended from time to time, is incorporated herein and made a part of this Code by reference.

(B)The Public Works Department shall erect signs, signals, or markings consist with the Schedule to advise the public as to the traffic or parking controls or regulations effective in the vicinity of the sign or marking.

(C)A violation of any provision of the Schedule of Traffic Regulations shall be a violation of this Code.

Sec. 71.01. - Handicapped parking.

(D)*Enforcement of handicapped parking privileges.* It shall be unlawful for any person:

(1)To park or leave standing any vehicle in a space designated for handicapped or visually impaired persons when the vehicle does not display the distinguishing license plate or placard as provided in this section;

(2)For any person not qualifying for the rights and privileges extended to handicapped or visually impaired persons under this section to exercise or attempt to exercise such rights or privileges by the unauthorized use of a distinguishing license plate or placard issued pursuant to G.S. 20-37.6; and

(3)To park or leave standing any vehicle so as to obstruct a curb ramp or curb cut for handicapped persons, as provided for by the North Carolina Building Code or as designated in G.S. 136-44.14.

Sec. 71.06. - Night parking prohibited.

When respective signs are placed on certain streets, no person shall park a vehicle between the hours of 12:00 midnight and 6:00 a.m. upon the streets, provided that this section shall not apply to automobiles, or other vehicles if their owners are at work in building or on the premises, near where the vehicles are parked.

Sec. 71.07. - Parking trailers on public streets in excess of one hour prohibited.

It shall be unlawful to park and leave standing any vehicle trailer on streets owned and operated by the town in excess of one hour. Vehicle trailers shall include, but are not limited to, boat trailers, campers, utility trailers, and any other trailer that is designed to be towed by a motor vehicle.

Sec. 71.99. - Penalty.

(A)Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to [§ 70.99](#).

(B)The penalty for a violation of [§ 71.01](#) shall be \$100.00, and whenever evidence shall be presented in any court of the fact that any automobile, truck or other vehicle was found to be parked in a properly designated handicapped parking space in violation of the provisions of this section, it shall be prima facie evidence in any court that the vehicle was parked and left in the space by the person in whose name the vehicle is registered and licensed according to the records of the state division of motor vehicles. No evidence tendered or presented under this authorization shall be admissible or competent in any respect in any court or tribunal except in cases concerned solely with the violation of this section.

(C)(1)Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to [§ 10.99](#).

(2)The penalty for violation of [§ 71.01](#) shall be \$100.00, and whenever evidence shall be presented in court of the fact that any automobile, truck, or other vehicle was found to be parked in a properly designated handicapped parking space in violation of the provisions of this section, it shall be prima facie evidence in any court that the vehicle was parked and left in the space by the person whose name the vehicle is registered and licensed according to the records of the state division of motor vehicles. No evidence tendered or presented under this authorization shall be admissible or competent in any respect in any court or tribunal except in cases concerned solely with the violation of this section.

Sec. 72.03. - Movement shall not block entrances, interfere with traffic.

Any parade or demonstration shall move in such a manner that it shall not block entrance ways to stores, homes or interfere with street traffic.

Sec. 72.04. - Hours.

No parades or demonstrations will be held except during daylight hours.

Sec. 72.05. - Violent conduct prohibited.

No participant in a parade or demonstration shall offer violence by act, threat, gesture or word; neither shall a participant incite others to violent action or riot.

Sec. 72.06. - Speed, operation of vehicles.

No parade or demonstration by motor vehicle shall proceed in a reckless or careless manner, or at a speed in excess of established speed limits; neither shall motor caravans or parades proceed at such a slow speed that traffic is impeded.

Sec. 72.99. - Penalty.

Any person who participates in a demonstration or parade that is contrary to the terms of this chapter is declared to be guilty of a misdemeanor and shall be punished as provided by [§ 10.99](#).

Sec. 73.04. - Registration and permit requirements.

(A)*Registration and permit required.* No golf cart may be operated on any public street, road, or highway within the town or on any property owned or leased by the town or on any property owned or leased by the town unless the golf cart has first been registered with the town and permitted as required herein. The registration and permit shall be renewed annually thereafter in accordance with the provisions of this chapter.

(B)*Application and permit.* The owner shall complete an application provided by the town and the golf cart shall be inspected by designated town staff for compliance with the provision of this chapter prior to the issuance of an annual registration decal which shall be displayed on the rear of the golf cart. The Board of Commissioners may establish, and amend from time to time, an annual registration fee for golf carts.

(C)*Basic requirements.* In order to register a golf cart and secure an annual permit, the owner and golf cart must meet the following basic requirements:

(1)All golf cart operators must possess a valid driver's license, except any driver or operator 18 years of age or older with a medical or physical condition that prevents that individual from being able to

obtain a valid North Carolina driver's license. The medical or physical condition must be evidenced with a professionally certified mental phobia or physical condition which, although it prevents them from driving a licensed motor vehicle, would not prevent the safe operation of a golf cart and said certification must be provided from a medical professional. Any driver or operator that is exempt from the requirement of a valid North Carolina license must still present and have on record and while operating a golf cart, a valid North Carolina Identification card.

(2)The owner must possess and maintain liability insurance in an amount not less than required by North Carolina law for traditional motor vehicles operated on a public highway in North Carolina;

(3)The golf cart must be registered to a physical address in Beaufort;

(4)The golf cart must not have been modified to exceed a speed of 20 mph; and

(5)The golf cart must have an identifiable identification number.

(D)*Required safety features.* In order to register a golf cart and secure an annual permit, a golf cart must have the following safety features installed:

(1)Two operating front headlights, visible from a distance of at least 250 feet;

(2)Two operating tail lights, with brake lights and turn signals, visible from a distance of at least 250 feet;

(3)A rear vision mirror;

(4)At least one reflector per side;

(5)A parking brake;

(6)Seat belts for all seating positions on the golf cart;

(7)A windshield; and

(8)Must be limited to a maximum of three rows of seats.

(E)*Inspection.* Prior to the issuance of an initial permit, designated town staff shall inspect the golf cart for compliance with the requirements of this chapter. No golf cart shall be registered and permitted unless if it in compliance with all requirements.

(F)*Acknowledgment.* Prior to issuance of an initial permit or annual renewal, the owner shall sign an acknowledgment that he/she has read and understands the provisions of this chapter.

(G)*Disqualified vehicles.* All-terrain vehicles, 4-wheel utility vehicles, go-karts, and other similar utility vehicles which are not manufactured for operation on a golf course, and/or a golf cart which has been modified so that it no longer meets the definition of golf cart may not be registered as a golf cart under this chapter or shall such vehicles be operated on the public roads, streets and highways within the town, unless such vehicles are registered and permitted under the motor vehicle laws of North Carolina.

Sec. 73.99. - Penalty.

(A)Any person violating the motor vehicle laws of North Carolina, which shall also apply to golf carts registered under this chapter, shall be subject to the penalties prescribed in North Carolina law for said violation.

(B)Any person who knowingly allows an underage driver to operate a golf cart shall be charged and subject to the penalties prescribed in North Carolina law for contributing to the delinquency of a minor.

(C)Any person violating the provisions of this chapter or failing to comply with any of its requirements shall be required to pay a civil violation in the amount of \$50.00.

(D)Any person violating the town's parking ordinances shall be subject to the penalties outlined for parking violations.

(E)Operating a golf cart under the influence of an impairing substance (such as alcohol or drugs) on a public street or road is a violation of North Carolina law, and is punishable as provided therein.

(F)The town may refuse to register and issue a permit for the operation of a golf cart, or may revoke a previously issued permit, if the registered golf cart and/or the owner of the golf cart is involved in

three or more violations of this chapter and/or violations of North Carolina law within a three-year time period. The revocation and/or denial of a permit shall be effective for one year.

Sec. 90.01. - Boxes, barrels and the like left on public way.

It shall be unlawful for any person to leave or allow to be left upon the sidewalk or on the street in front of or near his or her residence or place of business any stand, boxes, barrels, crates, casks or any other property or like material. This will not prohibit the use of the streets for placing material for the purpose of building or improvement of buildings in construction of the same when permitted to do so by the Mayor and Board of Commissioners.

Sec. 90.02. - Obstructions.

It shall be unlawful for any person to build, erect, construct or place any porch, steps, fence, wall or other obstruction whatsoever in or over any of the streets or sidewalks of the town, and it shall be unlawful for any person to repair or improve any porch, steps, fence, wall or other obstruction whatsoever now in or over any of the streets or sidewalks of the town. It shall be unlawful for any person to obstruct any sidewalk or street with any buggy, wheel-barrow, wagon, automobile, truck or other vehicle, railroad car, chair, bench, open gate, chicken coop, box or other article. A margin not exceeding two and one-half feet in width on the inside of the town's sidewalk on the business blocks of the town shall be allowed for the exhibition of merchandise by abutting merchants. This section shall not apply to baby carriages and invalid chairs rolled on the sidewalks in such a manner as not to obstruct the same.

State Law reference— Obstructing highways and roads, see G.S. 136-90 et seq.

Sec. 90.03. - Wheels, rims and the like injurious to pavement.

It shall be unlawful for any person to drive over any paved street in the town any vehicle of any kind or description, with flanged wheels, or with wheels or runners with sharp rims or edges, that would tend in any manner to break up, cut, destroy or damage in any way of the paved streets in the town.

Sec. 90.04. - Driving over curbs.

It shall be unlawful for any person to drive any vehicle of any kind or description over any street curb in the town without first having placed boards or similar protection over the curb for the vehicle to pass over. It is the purpose of this section to prevent damage or injury to street curbs in the town.

Sec. 90.08. - Injuring, defacing streets and sidewalks.

No person shall injure, deface or mar in any manner whatsoever any of the streets or sidewalks of the town. The town shall have the right and privilege to repair any such injury, defacement or mar and assessing the cost thereof against the offender.

Sec. 90.09. - Cutting for drainage.

It shall be unlawful for any person to cut any ditch or drain for the purpose of draining any lot or lots across any street or sidewalk of the town unless the person shall immediately trunk or lay pipe or sewer for the ditch, and the street or sidewalk must be left in as good condition as it was at the time the ditch or drain was cut.

Sec. 90.10. - Marking or painting for advertising.

It shall be unlawful for any person to advertise or attempt to advertise by marking or painting on any of the streets or sidewalks within the town.

Sec. 90.11. - Prohibited devices and vehicles.

(A)*Definition.* The term *vehicle*, as used in this section, shall include every device in, upon or by which any person is or may be transported or drawn upon a sidewalk or other way of public passage including but not limited to skateboards, skates, unicycles, motorcycles, motor-propelled bicycles, wagons and all other similar vehicles, excluding motor vehicles, as defined in G.S. Chapter 20.

(B)*Prohibited acts.* Except as expressly allowed in this section, it shall be unlawful for any person to operate, ride or be transported or drawn upon any vehicle upon any of the public sidewalks or public boardwalks owned by the town. A schedule of those areas is on file in the office of the Town Clerk.

(C) *Exemption.* Nothing in this section shall prohibit the operation of a bicycle on the travel portion of the public streets within the above described area.

Sec. 90.27. - Permit required.

No person or business entity shall offer a tour within the corporate limits of the town unless such person shall have first applied to and obtained from the Board of Commissioners a walking tour permit. It shall be unlawful for any person knowingly or willingly to operate a tour in any manner contrary to the provisions of this article.

Sec. 90.33. - Prohibited acts.

(A) It shall be unlawful and a violation of this article and a violation of any walking tour permit for any tour guide or any walking tour permit holder to:

- (1) Violate the terms of the walking tour permit;
- (2) Violate the terms or conditions of this article;
- (3) Solicit members of the public verbally to join a tour while such member of the public is on any public street, public sidewalk, or public property;
- (4) To operate any amplifying device during the course of a tour;
- (5) To tolerate use of flash photography by any member of a tour group;
- (6) To tolerate any tour group participant's entry onto private property without the express consent of the owner thereof;
- (7) Conduct a tour on a public street except to the extent necessary to cross a street; or

(B) It shall be unlawful and a violation of this article for any participant in a tour to:

- (1) Block entrances to stores, homes or driveways, or to interfere with street traffic;
- (2) To use flash photography while on a tour;
- (3) To enter on private property without the express permission of the owner of the said property.

(C) It shall be unlawful and a violation of this article for any person to conduct a walking tour without a valid walking tour permit or while a walking tour permit is in a state of suspension.

Sec. 90.99. - Penalty.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to [§ 10.99](#).

Sec. 91.05. - Noises prohibited.

(A) *General prohibitions.* In addition to the unlawful acts set forth in [§ 91.03](#), it shall be a public nuisance and therefore unlawful to create, cause or allow the continuance of any excessive or unusually loud noise which disturbs the peace and quiet of any neighborhood or which does annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of any reasonable person of ordinary sensibilities or causes damage to property particularly during the nighttime. The following are deemed to be examples of a violation of this section when the noise from such activity is of such character, intensity, and duration as to be a public nuisance:

- (1) *Yelling shouting, whistling, singing.* Yelling, shouting, whistling or singing on the public streets or private property particularly at nighttime.
- (2) *Noisy parties.* Congregating or participating in any party or gathering of people particularly at nighttime.
- (3) *Loading operations.* Loading, unloading, opening or otherwise handling boxes, crates, containers, or other similar objects during nighttime.
- (4) *Repair of motor vehicles.* The repair, rebuilding or testing of any motor vehicle during nighttime.
- (5) *Radio, phonograph, television, musical instruments.* The playing of any radio, phonograph, musical instrument, television or any similar device, particularly during nighttime.
- (6) *Power equipment.* Operating or permitting the operation of any power saw, sander, drill, grinder, leaf blower, lawnmower or other garden equipment or tools of a similar nature outdoors during the nighttime.

(B)*Specific prohibitions.* The following acts are declared unlawful.

(1)*Horns and signaling devices.* The intentional sounding of any horn or signaling device of a motor vehicle on any street or public place continuously or intermittently, except as a danger or emergency warning. The intentional sounding of any horn or signaling device on any boat located at a private or public dock or on a public water continuously or intermittently, except as a danger or emergency warning or as required by United States Coast Guard regulation.

(2)*Motor vehicles.* Operating or permitting the operation of any motor vehicle or motorcycle not equipped with a muffler or other device in good working order so as to effectively prevent loud or explosive noises therefrom.

(3)*Explosives.* The use or firing of explosives, fireworks or similar devices unless pursuant to a lawfully issued permit.

(4)*Outdoor amplified sound.* Outdoor amplified sound exceeding the standards set forth in [§ 91.03](#).

(5)*Garbage disposal at night.*

(a)Any of the following acts during the nighttime:

- 1.The dumping or emptying of garbage containers into garbage trucks;
- 2.The operating of exterior mechanical trash compactors; or
- 3.The placing or removing of garbage containers with motor vehicles.

(b)Excepted from the prohibitions in this subsection (B)(5) are garbage removal activities during events or festivals that have been specifically approved by the Board of Commissioners.

(6)*Loading and unloading activities at night.*

(a)Any of the following acts from 11:00 p.m. until 7:00 a.m. within the WC and CD zoning districts:

- 1.Loading or unloading of a vehicle with more than six wheels;
 - 2.The parking of a motor vehicle with more than six wheels with its engine running;
 - 3.The parking of a vehicle with more than six wheels with a refrigerated cargo compartment while the refrigeration unit is operating;
 - 4.The loading or unloading of cargo from a motor vehicle with the use of mechanical or hydraulic lifts;
- or
- 5.The outdoor dumping of bottles or cans from one container into another.

(b)Excepted from the prohibitions in this subsection (B)(6) are activities during events or festivals that have been specifically approved by the Board of Commissioners.

(C)*Incidental factors.* In determining whether a noise is a public nuisance, the following factors incident to such noise are to be considered.

(1)The time of day;

(2)Whether the noise is recurrent, intermittent or constant;

(3)The volume and intensity;

(4)Whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; and

(5)Whether the noise is related to the normal operation of a business or other labor activity.

(D)*Enforcement.* The Chief of Police or designee shall have the authority to order those person(s) determined to be in violation of this article to cease producing the sound in excess of that authorized. Such order shall not affect other enforcement methods available to the town for violation of this article.

Sec. 91.22. - Junkyards.

(A)*Restrictions as to location.* No junkyard shall be established, operated or maintained, any portion of which is located 1,000 feet from the nearest edge of the right-of-way of any public street, road or highway, residentially zoned area or any other zoned area that does not permit junkyards, except that this prohibition shall not apply to:

(1) Those junkyards which are screened at all seasons of the year by natural objects, plantings, fences or other appropriate means at least eight feet high so as not to be visible from the main-traveled way of the street, road, highway or residential area or other zoned area in which junkyards are not allowed as a permitted use.

(2) Those junkyards in areas zoned industrial in accordance with the town's Zoning Ordinance and screened in accordance with subsection (A)(1) above and complying with the setback requirements thereof.

(B) *Enforcement provisions.*

(1) Any person, firm, corporation or association that establishes, operates or maintains a junkyard not excepted by subsection (A) above and lying within 1,000 feet of the nearest edge of the right-of-way of any public street, road, highway, residentially zoned area or any zoned area that does not permit junkyards shall be guilty of a misdemeanor, and each day that the junkyard remains in violation shall constitute a separate offense.

(2) If the Building Inspector shall find that the junkyard is dangerous or prejudicial to public health or public safety because of any one or more of the reasons hereinafter set out, he or she shall notify the owner and person in occupancy of the junkyard of such finding and shall state in the notice that the recipient has 30 days from the date of mailing or personal delivery of the notice to correct the condition found, failing which the town will cause the condition to be abated at the owner's and occupant's expense (and they shall be jointly and severally liable therefor), that the expense of this action shall be a lien upon the premises where the trouble existed and shall be collected in the manner for collection of unpaid taxes. A condition shall be dangerous or prejudicial to public health and safety if the Building Inspector finds that it:

(a) Is a breeding ground for mosquitoes, insects, rats, vermin or other pests;

(b) Is a place where pools or ponds of water collect;

(c) Consists of one or more areas where weeds or other noxious vegetation are allowed to grow above eight inches in height;

(d) Has junk, wrecked cars, car parts, machinery or equipment not securely enclosed so as to prevent access by children;

(e) Contains areas or materials wherein rats, mice, vermin and other pests may seek shelter and make nests;

(f) Unreasonably distracts the operators of motor vehicles;

(g) Interferes with the view of motor vehicle drivers or traffic regulations or control; or

(h) Constitutes an attractive nuisance.

(3) Any person aggrieved by a finding of the Building Inspector may appeal therefrom to the Board of Commissioners by filing written notice of the appeal with the Town Administrator within 20 days of the date of the mailing or personal delivery of the notice from the Building Inspector required by this subsection (B).

(C) *Screening.* Any junkyard lawfully in existence on the effective date of this article which is not excepted from this article under subsection (A) above, and any other junkyard lawfully in existence which may hereafter not be excepted under subsection (A) above shall, within 180 days of written notice, be screened by natural objects, planting, fences or other appropriate means so as not to be visible from the main-traveled way of any street, road, highway or any residentially zoned district or other district zoned so as not to permit junkyards at any season of the year. The fence or screen shall be maintained in a clean and neat appearance and in a good state of repair. No junk or debris shall be kept on the outside of the screened area. Screened type gates shall be provided and kept closed at all times except when materials are being conveyed in or out of the premises.

(D) *Burning junk causing noxious odors.* It shall be unlawful to burn in any junkyard any refuse or junk, including rubber tires, batteries and rubber from wires, or other materials which cause noxious odors.

(E) *Permit required.* No person shall establish, operate or maintain a junkyard within the ordinance making jurisdiction of the town without obtaining a permit as provided in the town's Zoning Ordinance. No junkyard permit shall be issued under the provisions of this section except those junkyards which come within the provisions of subsection (A) above. The permit shall be valid until and unless revoked for nonconformity with this article and rules and regulations promulgated by the town's Board of Commissioners. Any person aggrieved by the decision to refuse to grant or to revoke a permit may appeal the decision to the superior court of the county. The person seeking review must file a petition with the Superior Court in the county within 30 days after written notice of the decision by the town is mailed to or personally served upon the person seeking review. Failure to file such a petition within the time stated shall operate as a waiver of the right of the person to review revocation of or refusal to issue the permit under this article or the town's Zoning Ordinance.

Sec. 91.23. - Nuisance vehicle unlawful; removal authorized.

(A) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee or occupant of the real property upon which the vehicle is located, to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(B) Upon investigation, the town's Building Inspector may determine and declare that a vehicle is a health or safety hazard or a nuisance vehicle as defined in this article and order the vehicle removed.

Sec. 91.24. - Abandoned vehicle unlawful; removal authorized.

(A) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow the vehicle to be abandoned as the term is defined in this article.

(B) Upon investigation, the Building Inspector of the town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

Sec. 91.25. - Junked motor vehicle regulated; removal authorized.

(A) It shall be unlawful for the registered owner or person entitled to possession of a junked motor vehicle, or for the owner, lessee or occupant of the real property upon which a junked vehicle is located, to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

(B) Upon investigation, the town's Building Inspector may order the removal of a junked motor vehicle as defined in this article after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. The finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following, among other relevant factors, may be considered:

- (1) Protection of property value;
- (2) Promotion of tourism and other economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community; and
- (5) Promotion of the comfort, happiness and emotional stability of area residents.

Sec. 91.36. - Unlawful removal of impounded vehicle.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the town any vehicle which has been impounded pursuant to the provisions of this code unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

Sec. 91.51. - Abandonment prohibited; penalty

Prior to the penalties of [§ 91.99](#)(C) beginning to accrue, the Chief of Police or his or her designee shall attempt to ascertain the name and address of the owner of the vessel, as well as the name and address of any person in whose possession or custody the vessel was at the time of its last use, to give them notice by registered or certified mail, return receipt requested, at least ten days before taking

any action to enforce this article that the vessel has been found to be abandoned and giving such person or persons ten days after receiving the notice within which to take steps to rectify the status of the vessel: so as to cure its abandoned status as defined by this article. Upon failure of such person or persons to take such action, the penalty specified in this article shall accrue beginning with the eleventh day following the mailing of the notice required herein. If the person or persons cannot be located, then the Chief of Police or his or her designee shall cause a notice to be placed aboard the vessel and to be published in a newspaper of general circulation in the county authorized to accept legal advertisement and in a newspaper of general circulation in the town or city wherein the owner of the vessel is last known to have resided, if that can be determined with reasonable effort, and in the town or city where the last person who had custody or possession of the vessel was last known to reside, if that can be determined with reasonable effort. The advertisement shall be once per week for two weeks, and the penalties provided for in this article shall not begin to accrue until 30 days following the first date of publication of the advertisement. The notice shall state the name or names of the vessel owner and the last person to have had custody or possession of the vessel, a description of the vessel, its location, state the requirement of this article that action be taken to cure the abandoned state of the vessel, and give the name and address of a person within the Police Department of the town who may be contacted regarding the vessel.

Sec. 91.65. - General restrictions.

It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any lot or land or any part thereof in the town, to permit or maintain on any such lot or land any growth of weeds, grass or other vegetation to a height greater than six inches on the average, or any accumulation of dead weeds, grass or brush.

Sec. 91.69. - Refusal or failure to comply; obstruction.

No person shall neglect to cut and remove weeds, grass or other vegetation as directed in this article, shall fail, neglect or refuse to comply with the provisions of any notice herein provided, or shall resist or obstruct the official as designated by the Town Manager in the cutting and removal of weeds, grass or other vegetation.

Sec. 91.99. - Penalty.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to [§ 10.99](#).

(B) Where there is a violation of any provisions of [§ 90.01](#) et seq., the town, at its discretion, may take one or more of the following enforcement actions:

(1) A police officer may issue a citation subjecting the violator to a civil penalty of \$50.00, which penalty may provide for a delinquency charge upon nonpayment of \$25.00, and which penalty and delinquency charge may be recovered by the town in a civil action.

(2) A misdemeanor warrant may be issued either immediately or upon issuance of a citation and the violator's failure to pay the citation. Misdemeanors shall be punishable by a fine of up to \$500.00 and/or imprisonment for up to 30 days.

(3) A civil action seeking a penalty of \$500.00 per day of violation plus injunction and order of abatement may be directed toward any person creating or allowing the creation of any unlawful noise, including the owner or person otherwise having legal or actual control of the premises from which it emanates.

(C) It shall be unlawful for any person to abandon any vessel within the municipal limits of the town, and for each day that the abandonment continues, the person in whose possession or custody the boat was at the time it was abandoned and the owner of the boat, if different, shall be liable for a fine of \$100.00 and imprisonment not to exceed 30 days.

Sec. 93.02. - Being in the way at fires.

No person shall stand or be in any street, alley or square where or near a fire is in progress, in such a way as to interfere with the duties of the Fire Department.

Sec. 93.03. - Interference with firefighters, apparatus.

(A) No person shall interfere with a firefighter in the discharge of his or her duty, or hinder him or her in the performance of his or her duty.

(B) Nor shall any person other than members of the Fire Department loiter about any fire station, or change, handle or meddle in any manner with any fire engine or any other apparatus.

Sec. 93.04. - Riding on fire truck.

No person other than a bona fide member of the Fire Department shall mount any fire engine, wagon or apparatus before it leaves the station or while on its way to or from a fire, or at any other time, unless by permission of the driver or officer in command of such engine, wagon or other apparatus.

Sec. 93.05. - Interfering with fire alarm apparatus.

No person shall interfere carelessly or willfully with the town fire alarm system or injure the poles, wires, boxes or other apparatus connected therewith.

Sec. 93.06. - False alarms, malfunctions and penalties.

(A) In the case of a false alarm or malfunction, any person who is an owner, operator or user, shall immediately notify the Fire Department. It shall be the responsibility of the chief or designee to keep a record of all alarms, whether false or true. The following penalties shall apply to false alarms:

(1) After four false alarms in a single calendar year, a fee of \$100.00 shall be paid to the town.

(2) Fifth and any subsequent false alarms in a single calendar year, a fee of \$200.00 shall be paid to the town.

(3) If a business owner/occupant can show documentation that the system has been serviced by a fire system technician since the third false alarm, then the fee will be waived and the alarm count will start new for the calendar year. If the false alarms are due to operator/employee error, then the fee will not be waived.

(4) It shall be the responsibility of all owners of alarm devices to keep them in proper operating condition at all times. The chief may require the disconnection of any alarm device which is malfunctioning or not in proper condition. If this occurs, the responsible party shall post a fire watch until the system is put back in service.

(B) The sensory mechanism of such devices shall be adjusted so that they suppress false indications and not to be actuated by impulses due to pressure changes, short flashes of light, wind noises, rattling, or vibration of doors or windows or other forces unrelated to general alarms.

State Law reference— Giving false fire alarms, see G.S. 14-286.

Sec. 93.07. - Protection of fire hose.

It shall be unlawful for any person to drive over or in any way damage or mutilate any fire hose while in use at a fire or otherwise.

Sec. 93.08. - Burning trash within fire limits.

No person shall burn or cause to be burned any trash, refuse, shavings, paper, leaves, litter or other material of any kind outside any house, on or in any street, sidewalk, alley, lot or yard within the fire limits of the town.

Sec. 93.46. - Determination of fire hazard; order to abate.

Whenever the Chief of the Fire Department shall find that any building or any premises constitutes a fire hazard, for any reason, he or she shall serve or cause to be served upon the owner and the occupant of the building a written notice specifying the condition complained of, ordering the same to be remedied promptly, and indicating what is considered a reasonable time for compliance with the order.

Sec. 93.47. - Service of order.

The service of any order issued pursuant to [§ 93.46](#) may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of the same to the occupant personally or by delivering the same to and leaving it with any person in charge of the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises. In case the owner of the premises is some person other than the occupant thereof, service of the notice may be made by delivering a copy of the notice to the owner personally or by mailing the copy to his or her last known address. If the occupant or owner is a partnership, service upon any partner shall be sufficient; and if a corporation, upon any officer or any local agent thereof.

Sec. 93.48. - Failure to comply with order.

It shall be unlawful for any occupant or any owner of any building or premises to fail to comply with the requirements of the order within a reasonable time after the service of any order issued pursuant to [§ 93.46](#).

Sec. 93.62. - Possession and display.

No person, without a permit as provided in [§ 93.64](#), shall have in his or her possession, or fire or cause to be fired, within the corporate limits of the town, any fireworks.

Sec. 93.63. - Sale.

No person shall sell at retail within the town any fireworks except to a person holding a permit for a fireworks display issued under the provisions of [§ 93.64](#); nor shall any person sell at wholesale any fireworks to be resold in the town except for an authorized fireworks display. This section shall not be construed to prevent the sale of fireworks by wholesale merchants holding a permit therefor to any merchant whose place of business is outside the town.

Sec. 93.64. - Permit.

No person shall store, sell or use fireworks without securing a permit therefor. The Chief of the Fire Department may, upon due application, issue a permit to a properly qualified person for giving a display of fireworks in the public parks or other places within the town. The permit shall impose the restrictions as may be necessary properly to safeguard life and property in each case.

Sec. 94.01. - Animals constituting a public nuisance.

It shall be unlawful for any person to keep or maintain within the town any animals or poultry in such numbers and so housed as to result in noxious or offensive odors, or loud and disagreeable noises, and thereby to constitute a public nuisance.

Sec. 94.22. - Prohibited acts.

It shall be unlawful for any person within the town to do any of the following:

(A) *Vicious animals.* To keep or cause to be kept any vicious animal, as defined in this article, unless confined within a secure building or enclosure or under restraint;

(B) *Howling and barking dogs, cats or other animals or fowl.* To keep or harbor any dog, cat or animal or fowl which, by frequent or habitual howling, yelping, barking or the making of other noises, shall annoy or disturb the neighborhood;

(C) *Stray dogs.* To cause, permit or allow a dog to be away from the premises of the owner, or to be in a public place, or on any public property in the town, unless the dog is under restraint;

(D) *Number of dogs.* To have custody on a single-family residential lot of more than four dogs over the age of three months;

(E) *Interference with police officer.* To interfere with, hinder or molest the police officer, or other authorized officer, or person, in the performance of any duty authorized by this article, or to seek to release any animal in the custody of the person;

(F) *Rabies vaccination.* To have custody of any dog or cat over the age of four months which is not currently vaccinated against rabies;

(G)*Dog feces*. To fail or neglect to remove immediately any dog feces deposited on public or private property without the consent of the owner of the property, by a dog in the care, charge, control, or custody of the person, or owned, possessed or harbored by the person. For the purpose of this section, dog fecal matter shall be immediately removed by placing such matter in a closed or sealed container and thereafter disposing of it by depositing the matter in a trash receptacle, sanitary disposal unit, or other closed or sealed container.

Sec. 94.24. - Cruelty to animals.

It shall be unlawful for any person to mistreat, drive or work, or allow to be worked, any beast of burden that is physically disabled for labor or work, and it shall be the duty of the Chief of Police or any officer appointed by him or her to pass upon the physical condition and fitness of all beasts of burden for work, and to inspect same.

(B)It shall be unlawful for any person to work or compel to be worked any beast of burden deemed unfit by the Chief of Police or his or her appointed officer.

(C)Furthermore, it shall be unlawful for any person to be cruel to any animal or fowl within the town limits.

State Law reference— Authority to prohibit abuse to animals, see G.S. 160A-182; defined, see G.S. 19A-1.

Sec. 94.25. - Feral horses.

(A)It shall be unlawful for any person to molest, torment, injure, wound, poison, or kill a feral horse on the Rachel Carson Reserve.

(B)It shall be unlawful for any person to feed, ride, pet or approach with the intent to feed, ride or pet any feral horse on the Rachel Carson Reserve.

(C)It shall further be unlawful for any person to lure, attract or entice a feral horse to approach within 50 feet of any person or for any person, other than a Division of Coastal Management employee or agent of the Division of Coastal Management performing herd management duties, to intentionally come within 50 feet of a wild horse.

(D)It shall be unlawful for any person injuring a feral horse to fail to notify immediately the Division of Coastal Management staff or local law enforcement agency.

(E)It shall be unlawful to remove any feral horse or portion of a feral horse for any purpose, except for removals of a feral horse or portion of a feral horse that are deemed necessary by the Division of Coastal Management or its agent.

Sec. 94.99. - Penalty.

(A)Any person violating any provision for which no specific penalty is prescribed shall be subject to [§ 10.99](#).

(B)Where there is a violation of any provision of [§ 94.15](#) et seq., the town, at its discretion, may take one or more of the following enforcement actions:

(1)A police officer may issue a citation subjecting the violator to a civil penalty of \$50.00, which penalty may provide for a delinquency charge upon nonpayment of \$25.00, and which penalty and delinquency charge may be recovered by the town in a civil action.

(2)A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the citation. Misdemeanors shall be punishable by a fine of up to \$500.00 and/or imprisonment for up to 30 days.

(3)A civil action seeking a penalty of \$500.00 per day of violation plus injunction and order of abatement may be directed.

Sec. 95.03. - Lot sales.

(A)All sales of lots in Oceanview Cemetery shall be made only by the town at prices approved and set by the Board of Commissioners from time to time. All persons desiring to purchase a lot in Oceanview

Cemetery shall apply to the Town Clerk who shall be authorized to issue a deed for said lot upon receipt of the purchase price in full.

(B) Lots may be purchased on installment plans approved by the Town Manager. No deed for a lot shall be issued until the town has received the purchase price in full. In the event any installment due under an installment plan remains unpaid for 90 days after the due date, the purchaser, without notice, shall forfeit all rights to said lot, and all previous installment payments made for said lot shall be forfeited to the town as liquidated damages for breach of the installment purchase contract, and said lot shall be made available for sale to another party.

(C) No interment or burial of human remains, or other disposition thereof, in Oceanview Cemetery, shall be made until the purchase price for the lot has been paid in full and a deed issued to the purchaser of said lot.

(D) Resale of a lot in Oceanview Cemetery is hereby prohibited except as specifically provided herein. In the event that a person owning a lot where no human remains are buried or interred desires to relinquish ownership of the same, the person shall notify the Town Clerk and the town shall repurchase the lot at the current price as set by the Board of Commissioners.

Sec. 95.04. - Permits and time of burial.

(A) No interment or burial of a body, or other disposition thereof, shall be made in Oceanview Cemetery until a permit is issued by the town. In applying for a permit hereunder, the applicant shall furnish the town with the following information concerning the deceased: name, date of death, home address, birth place, and date of birth, next of kin and address of next of kin.

(B) Only human remains may be buried in Oceanview Cemetery.

(C) All funeral directors, local and non-local, or other persons in charge of any funeral shall obtain a permit before a burial or interment at Oceanview Cemetery. Interment permits must be obtained during regular business hours, unless extenuating circumstances exist. In any circumstances requiring a permit for a burial or interment to take place on Saturdays, Sundays or a legal holiday, the funeral director must notify the Town of Beaufort at least 24 hours or one working day, prior to the time of burial. The town reserves the right to impose a fee to reimburse the town for overtime salaries and other costs incurred by the town in connection with weekend or holiday burials or interments. The amount of such a fee will be set forth in the official fee schedule for the Town of Beaufort.

Sec. 95.05. - Opening of graves.

No grave within Oceanview Cemetery shall be opened or otherwise disturbed nor shall any human remains be removed from any grave without a permit from the County Health Director and the consent of the lot owner and an immediate family member of the deceased, if family members of the deceased are known or can be reasonably ascertained. If immediate family members of the deceased are not known and cannot be reasonably ascertained, the Town Manager can give consent for the removal of remains from a grave.

Sec. 95.06. - Vaults or liners.

Due to the sandy soil conditions within the area and the fact that monuments or markers sometimes sink or become covered by sand, vaults or liners shall be required for all burials and interments in Oceanview Cemetery except for the burial of cremated remains in small urns. Vaults must have 18 inches of suitable ground covering.

Sec. 95.07. - Mausoleums.

Mausoleums may not exceed five feet in height and must be positioned so as not to infringe upon adjacent lots. No monument in addition to the mausoleum is permitted on a lot. The Town Clerk will determine the appropriateness of mausoleums placed in Oceanview Cemetery.

Sec. 95.08. - Removal of debris.

All materials and other debris shall be removed by the funeral director from a grave space as soon as possible upon completion of burial or interment, but in no event more than 24 hours after the burial or interment.

Sec. 95.10. - Markers, monuments and other memorials.

(A) It shall be unlawful for any person to erect any marker, monument, or other memorial without first obtaining approval from the Town Clerk for compliance with this chapter before being placed or erected in Oceanview Cemetery. All markers, monuments and other memorials must be made of stone or concrete except that receptacles for flowers can be made of steel or some other durable material.

(I) It shall be unlawful for any person to remove any monument or marker which may have been erected at any grave or to deface, injure, or destroy any such monument or marker in any manner.

Sec. 95.11. - Care and improvements.

(A) No person shall place, or cause to be placed, on any lot in Oceanview Cemetery, any stone or other object, other than an approved monument. Boundaries of all lots shall be marked by corners which shall be set by the town at no additional cost to the lot owner. General maintenance provided by the town shall consist of grass cutting (when necessary), filling in graves when sunken, resodding, and other beautifying and keeping said lots neat, safe, clean and in good order.

(B) All care and improvements of the cemetery, including all grading and landscaping shall be done by town employees or contractors employed by the town.

(C) The planting of flowers or shrubs, except at the plot or lot corners, is hereby prohibited.

(D) The placing of a coping or other enclosure around lots or plots is hereby prohibited, except when the coping or enclosure is ground level and will not interfere with maintenance of the cemetery.

(E) The placing of glass vases on cemetery plots or lots is hereby prohibited.

(F) Metal receptacles for cut flowers placed within 12 inches of the centerline of the marker and buried to allow mowing are allowed and encouraged.

Sec. 95.99. - Violations; penalties.

In addition to being a misdemeanor pursuant to G.S. 14-4, the violation of this chapter shall subject the offender to a civil penalty pursuant to [§ 10.99](#) of this Code of Ordinances.

96.03 - Anchoring; docking; mooring; interference with navigation.

(A) It shall be unlawful for any person, except in the case of emergency or as required for maintenance dredging, to anchor, moor, raft-up or permit to be anchored, moored or rafted-up, or operate, any vessel or carry on any activity including but not limited to the placing of crab traps, anchor lines, anchors, mooring buoys, pilings or similar objects in a manner which shall constitute a hazard to navigation, interfere with another vessel, or for which a permit has not been issued by the appropriate government agency. Anchoring under bridges or in or adjacent to heavily traveled channels shall constitute interference if done during periods of heavy vessel traffic.

(B) It shall be unlawful for any person to anchor, dock, moor, or store any vessel in the waters of the Town for more than ten (10) days in a thirty-day period in any calendar year, except at a private dock or marina.

(C) For its first ten (10) days in Town waters in any thirty-day period in any calendar year, any transient vessel legally anchored and attended shall be deemed to have anchorage permission for provisioning, repairs, tourism, and recreational use, unless such permission is revoked in writing by the Police Chief for any of the reasons given below:

(1) The vessel has dragged anchor, or is moored or anchored in an unauthorized area or in a marked channel;

(2) Unless exempt pursuant to G.S. 75A-7, the vessel displays no evidence of current state, federal, or foreign registration, or, when asked by the Police Chief, the owner or operator of the vessel fails to

present a current registration, cruising permit, or other official documentation of ownership upon which he or she is named as the owner or operator.

(3) The vessel is left unattended for a period exceeding twenty-four (24) hours. "Unattended" shall mean for the purposes of this section that the owner or operator has not been found on the boat or in its immediate vicinity and has failed to respond to any posting or citation left by the Police Chief;

(4) The vessel is slept on but is not equipped with a holding tank or the owner or operator fails to provide the Police Chief with receipts for regular weekly pump outs of the vessel's holding tank;

(5) Law enforcement officers have responded to complaints of excessive noise, thefts, firearms violations, controlled substance violations, or other disturbances of possible danger to the environment or any person, emanating from the vessel or its crew;

(6) The vessel is at any time within seventy-five (75) feet of any other legally anchored vessel, or any private, properly permitted mooring or private, properly permitted dock or marina without the written permission of the owner;

(7) The vessel does not display proper anchor lights;

(8) If the Police Chief, or his designee, determines there are safety-related or environmental reasons for denying permission during a particular period of time, or in a particular place, or in a particular manner.

(D) Within 4 hours of a hurricane warning being declared, each vessel operator shall secure their vessel to prevent the vessel, and/or its parts or contents from damaging the property of others.

(E) It shall be unlawful to anchor vessels without ground tackle to hold the vessel at anchor. Vessels at anchor shall maintain a firm anchor and the operator shall ensure that the vessel is not slipping anchor and changing its location.

(F) When necessary, the Police Chief may act or may join in action with other agencies to determine and abate any unsafe or environmentally hazardous conditions, by towing, relocating, removing any vessel, or taking any other action reasonably necessary.

(G) The Police Chief shall post unattended vessels which are in violation. The Police Chief shall then continue to monitor the violating vessel until ten (10) days have elapsed from the date of the posting. If the person in control of the vessel returns, or contacts the office of the Police Chief, and abates the violation within that time, no further actions, other than payment of accrued fees, need to be taken.

(H) If the owner of any unattended vessel anchored, moored docked or stored in Town waters fails to respond to notices or pay fines and fees as required by this section for more than ten (10) days from the posting, the vessel may be taken into custody by the Police Chief and stored in a safe place of storage.

(I) The owner shall be responsible for the costs of towing and storage of the vessel. Any vessel towed, removed, relocated or impounded shall be subject to a lien pursuant to G.S. 44A.

96.04 - Derelict vessels prohibited.

(A) It shall be unlawful to anchor, moor or ground on the public land or waters of this Town or on private property without permission of the property owner, any derelict vessel. Indicators that a vessel is derelict, include but are not limited to, the following:

(1) Improper, non-working, or no anchor light, which is a hazard to navigation, when combined with an owner/operator who is not attending the vessel;

(2) Vessel is neglected, or substantially dismantled, or improperly maintained, or is not able to be used for navigation as intended;

(3) Vessel does not comply with current registration requirements, when combined with an owner/operator who is not attending the vessel;

(4) Vessel is barnacle-laden;

(5) Vessel interior is exposed to the elements (rain, waves, etc.);

(6) Vessel is listing;

(7) Vessel is aground;

- (8) Vessel is in danger or breaking its mooring; or
- (9) Vessel is sinking.
- (B) Upon identifying a derelict vessel, the Police Chief shall post a notice on board the vessel, and shall attempt to notify the owner by certified mail or personal delivery of notice. The notice shall:
 - (1) Describe the vessel and location of the vessel, however the notice posted aboard the vessel need not include description and location;
 - (2) Identify the condition(s) that must be corrected;
 - (3) Inform the owner that the identified conditions must be corrected, or the vessel must be removed from the waters or public lands and the affected surrounding environmental area restored, within ten (10) days of the date the notice is posted aboard the vessel;
 - (4) Inform the owner that failure to meet the ten-day deadline will result in the vessel being deemed abandoned, subject the owner to civil/criminal penalties, and that all costs associated with removal and disposition of the vessel and restoration of the affected surrounding environmental areas will be the responsibility of the owner;
 - (5) Inform the owner that within ten (10) calendar days of the posting of the notice above-described he may request a hearing before the Town's Manager regarding the status of the vessel, with the right to appeal any order adverse to such owner within ten (10) calendar days to Carteret County District Court.
 - (6) The notice provisions of this section may be waived by the Police Chief in circumstances in which identifying the owner of a vessel is impractical [by way of example, for vessels not displaying state or federal registration/documentation] or under circumstances in which posting a notice on a vessel is impractical [by way of example, for vessels which are completely or mostly submerged or located such that approaching the vessel for the purposes of affixing or posting a notice gives a risk of damage to a Town vessel or a risk of harm to the Police Chief or other Town representative].
- (C) Failure of the owner to correct the dangerous condition, or remove the vessel from the waters or public lands of the Town within ten (10) days, after notice, shall cause the vessel to be defined as an abandoned vessel, and disposed pursuant to section 96.05.

96.05 - Abandoned vessels prohibited.

- (A) It shall be unlawful to abandon a vessel on the public land, submerged land, or waters of this Town or on private property without permission of the property owner. This section does not apply to persons who abandon a vessel in an emergency for the safety of the persons onboard; however, after the emergency is over, the owner and operator of the abandoned vessel shall notify the Town Police Chief's office or the United States Coast Guard and must remove the vessel within ten (10) days.
- (B) Upon identifying an abandoned vessel, the Police Chief shall post a notice on board the vessel, and shall attempt to notify the owner by certified mail or personal delivery of notice.
 - (1) Describe the vessel and location of the vessel, however the notice posted aboard the vessel need not include description and location;
 - (2) Inform the owner that the vessel must be removed from the waters or public lands and the affected surrounding environmental area restored, and/or claimed upon payment of all fines and fees, within ten (10) days of the date the notice is posted aboard the vessel;
 - (3) Inform the owner that failure to meet the ten (10) day deadline will result in the vessel being deemed abandoned, subject the owner to civil/criminal penalties, and that all costs associated with publication of notice, removal and disposition of the vessel and restoration of the affected surrounding environmental areas will be the responsibility of the owner.
 - (6) Inform the owner that within ten (10) calendar days of the posting of the notice above-described he may request a hearing before the Town Manager regarding the status of the vessel, with the right to appeal any order adverse to such owner within ten (10) calendar days to Carteret County District Court.

(7) The notice provisions of this section may be waived by the Police Chief in circumstances in which identifying the owner of a vessel is impractical [by way of example, for vessels not displaying state or federal registration/documentation] or under circumstances in which posting a notice on a vessel is impractical [by way of example, for vessels which are completely or mostly submerged or located such that approaching the vessel for the purposes of affixing or posting a notice gives a risk of damage to a Town vessel or a risk of harm to the Police Chief or other Town representative].

(C) After the notice and hearing provisions described above, any abandoned vessel located on or below any navigable waters, or beached, or grounded adjacent thereto may be removed or relocated and impounded by the Police Chief.

(D) The owner shall be responsible for all costs of towing, relocation, removal and storage of the vessel, and restoration of the area surrounding the vessel, including costs owed to a third party, and costs incurred by the Town or the Police Chief. Any vessel towed, removed, relocated or impounded shall be subject to a lien pursuant to G.S. 44A.

96.06 - Enforcement responsibility and authority.

(A) The Police Chief of the Town, or any law enforcement officer with territorial jurisdiction is authorized and empowered to enforce this article.

(B) Upon obtaining an administrative warrant in accordance with the provisions of North Carolina General Statute Ch. 15, Art. 4A (G.S. 15-27.2), the Police Chief is authorized to board any vessel as required to enforce the provisions of this article, or any federal or state law, and such boarding in the performance of official duties shall not constitute a trespass.

(C) The Police Chief is authorized to seize, tow, remove or relocate from the public waters, and to store or dock the vessel in a safe place that, as a result of arresting the operator, or taking any enforcement action that would render the vessel unattended, or without an operator of suitable age, discretion and competence.

(D) The Police Chief is authorized to remove and dispose of crab traps, anchor lines, anchors, mooring buoys, pilings or similar objects which violate the provisions of section 96.03(A) above.

(E) The Town or the Police Chief may use staff, equipment, and material under its control or provided by any cooperating federal, state, or local government or agency; may authorize or contract with any private agent or contractor it deems appropriate; or may authorize or contract with any federal, state, or local government or agency for the removal, storage, or disposal of an abandoned vessel and restoration of the affected area.

(F) The method of removal, storage or disposal of the abandoned vessel, whether by the owner, a third party, the Police Chief, the Town or the state, must comply with all applicable federal and state laws, regulations, and rules.

(G) The owner shall be responsible for all costs of towing, relocation, removal and storage of the vessel, including costs owed to a third party, and costs incurred by the Town or the Police Chief.

(H) The Town, elected officials, the Town Police Chief, any law enforcement officer, or any contractor or any employee or agent thereof, acting under this article to remove or relocate a vessel from public waters shall be held harmless for all damages to the vessel resulting from such removal or relocation, unless the damage results from gross negligence or willful misconduct.

96.07 - Penalties for violation.

(A) *Criminal penalties.*

(1) A violation of this Chapter shall be deemed a class 3 misdemeanor punishable to the extent provided in G.S. 14-4, and shall carry a fine of one hundred dollars (\$100.00) per offense. A violation that either reoccurs or continues without cessation twenty-four (24) hours after a person has been criminally charged, either by arrest or citation, shall constitute a separate offense.

(2) A conviction under this section does not bar the assessment and collection of the civil remedies provided in this article.

(B) *Civil remedies.* In addition to, or in lieu of any criminal penalties set forth herein, any person, firm or corporation violating any provisions of this article shall be subject to civil penalties as follows:

- (1) A violation of sections 96.03, 96.04, and 96.05 of this article shall be subject to a civil remedy in the amount of five hundred dollars (\$500.00) per offense. A violation that either reoccurs or continues without cessation after a twenty-four (24) hours period shall constitute a separate offense.
- (2) Civil remedies shall be used in the recovery of the costs expended enforcing this article.
- (3) Any civil remedy may be appealed to the Town Police Chief, or his designee, within ten (10) days of the issuance of the civil remedy. A hearing shall be held within fifteen (15) working days of the appeal.
- (4) Any decision of the Town Police Chief, or his designee, may be appealed to the District Court of Town of Carteret County within ten (10) days.

Sec. 111.03. - Prohibited conduct.

(A) It shall be unlawful for any person to engage in or suffer or permit any of the prohibited conduct specified in this section.

(B) Likewise, it shall be unlawful for any licensees under this chapter or the employees of licensees under this chapter to engage in, suffer or permit any of the following prohibited conduct on the licensed premises:

- (1) To own or operate a game room or amusement center without being duly licensed by the Board of Commissioners, as required by this chapter;
- (2) Suffer or permit any gambling on the licensed premises at any time; or the sale or use of any racing, football or other parlay cards or gambling boards or devices;
- (3) Suffer or permit the licensed premises to become disorderly;
- (4) Employ in carrying on the business any person who has been convicted of unlawfully selling alcoholic beverages or narcotic drugs; and/or
- (5) Knowingly suffer or permit the use or sale of alcoholic beverages or narcotic drugs in violation of state or federal laws.

Sec. 111.17. - Eligibility.

The Board of Commissioners shall not issue a license to any applicant who:

- (A) Has been convicted of unlawfully selling intoxicating liquors or narcotic drugs;
- (B) Is an habitual user of alcoholic beverages or narcotic drugs; or
- (C) Has either not complied with or is not in a position to comply with other applicable county, state or federal laws and regulations pertaining to the operation of the amusement center.

Sec. 111.18. - Revocation.

After giving the operator and/or owner of any game room or amusement center five days' written notice and an opportunity to be heard, the Board of Commissioners may revoke the license of any owner or operator of an amusement center or game room within the town who:

- (A) Violates the provisions of this chapter; and/or
- (B) Is convicted of unlawfully selling alcoholic beverages or narcotic drugs.

Sec. 111.99. - Penalty.

Any person convicted of violating the provisions of this chapter shall be guilty of a misdemeanor punishable as provided by [§ 10.99](#).

Sec. 112.15. - Required.

No person shall move a house, building or other large object over any of the public streets, sidewalks or other public property within the town without first obtaining a permit from the town.

Sec. 112.19. - Liability for moving costs, damages.

(A) Any applicant issued a permit pursuant to the terms of this chapter assumes all responsibility for injury to persons or damage to property of any kind and agrees to hold the town harmless for any claims arising out of his or her conduct or actions.

(B) Likewise, the permittee shall be responsible for all costs or repairs, labor and manpower cost associated with the use of town personnel for traffic control, utilities replacement or other ancillary assistance, the cost of traffic light removals, and the cost of repairs and expenses to town streets, trees, public utilities or other public property. The town is authorized to retain from the deposit required by [§ 112.17](#) all cost of expenses and repairs in satisfaction of the permittee's liability to the town.

(C) If the liability of the permittee to the town for damages, expenses and cost exceeds the amount of the deposit, the permittee shall pay the balance forthwith upon demand, and the balance shall accrue interest thereafter at the highest legal rate allowable by law.

Sec. 112.99. - Penalty.

Any person violating the provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by [§ 10.99](#).

Sec. 113.03. - Prohibited conduct.

It shall be unlawful for any transient merchant, itinerant merchant or itinerant vendor to:

(A) Engage in the business of selling and delivering goods, foods, and food products, wares and merchandise at any location within the town for which the transient merchant, itinerant merchant or itinerant vendor does not have the notarized, written permission of the property owner on which the business is to be conducted designating the dates for which permission is being given;

(B) Make any sale or delivery of goods, foods, food products, or wares and merchandise from any location in violation of the town zoning ordinance or any other town or state ordinance, regulation or law; and

(C) Make any sale or delivery of goods, foods, food products, or wares and merchandise on or from any publicly owned or controlled highway, street or alley right-of-way, or publicly owned or publicly controlled properties, within the town.

Sec. 113.15. - Required.

It shall be unlawful for a transient merchant, itinerant merchant or itinerant vendor to engage in such a business within the town without first obtaining a license in compliance with provisions of this chapter and without complying with the requirements of this chapter.

Sec. 113.26. - Expiration and renewal.

(A) All licenses issued under the provisions of this chapter shall expire 90 days after the date of issuance unless an earlier date is stated on the license.

(B) Any license issued under the provisions of this chapter may be renewed any number of times upon the following conditions:

(1) The applicant makes a written application for renewal stating that the person or persons managing the business are the same as those listed in the original application, that the place or places where the applicant proposes to conduct business have not changed, and a statement explaining any material change in circumstances from the information given in the original application.

(2) The applicant shall show to the satisfaction of the Town Administrator that the bond covering the applicant's business will be valid for at least one year from the date of any license renewal.

(3) That the Town Clerk is satisfied that there is no cause for revocation under [§ 113.24](#).

Sec. 113.99. - Penalty.

(A) Any violation of this chapter shall subject the offender to punishment as provided in [§ 10.99](#).

(B) Notwithstanding subsection (A) above, provisions of this chapter may be enforced through equitable remedies issued by a court of competent jurisdiction.

(C) In addition to or in lieu of remedies authorized in subsections (A) and (B) above, violations of this chapter may be prosecuted as a misdemeanor in accordance with [§ 10.99](#).

Sec. 115.02. - Unlawful possession or consumption of malt beverages and unfortified wines.

(A) It shall be unlawful for any person to possess or consume any malt beverages and unfortified wines on town property.

(B) Possession of malt beverages and unfortified wine in an unopened bottle, can or container which is being held or carried in an opaque bag or similar container so that the alcoholic beverage cannot be seen is excepted herefrom as a prohibited conduct.

Sec. 115.03. - Unlawful consumption of intoxicating liquor.

It shall be unlawful for any person to consume or drink any intoxicating liquor or intoxicating beverage on any property owned or occupied by the town.

Sec. 115.04. - Sales near schools prohibited.

It shall be unlawful for any person to sell, barter or give away any beer, wine or spirituous liquor in the town within 500 feet of the school houses or school grounds of the town.

Sec. 115.05. - Sunday hours.

The sale of malt beverages, unfortified wine, fortified wine and mixed beverages shall be allowed within the Town of Beaufort's town limits at any premises licensed pursuant to G.S. 18B-1001 on Sundays beginning at 10:00 a.m.

State Law reference— Sunday hours for sale and consumption, see G.S. 18B-1004.

Sec. 115.99. - Penalty.

Any person convicted of violating any provision of this chapter shall be guilty of a misdemeanor and shall be punished as provided by [§ 10.99](#).

Sec. 116.03. - Permit required.

No person shall engage in the transportation of passengers and/or property for hire by non-motorized vehicle within the corporate limits of the town unless the person shall have first applied to and obtained from the Board of Commissioners a certificate or permit authorizing such operation, and it shall be unlawful for any person knowingly or willfully to operate a non-motorized vehicle business in any manner contrary to the provisions of this article. The operation of horse drawn carriages, or any other vehicle for hire that is drawn or transported by any animal, is prohibited.

Sec. 116.26. - Compliance with article.

It shall be unlawful for any person to engage in the transportation of passengers for hire within the corporate limits of town or from within the corporate limits of the town to any place within a distance of five miles thereof, unless the person shall comply with the provisions of this chapter.

Notwithstanding the foregoing, taxicab drivers who are duly licensed in another jurisdiction may come into town to pick up or deliver persons if their services were requested by the passenger, provided they do not solicit fares within town limits.

Sec. 116.29. - Fares and payment of fares.

(A) No person operating or driving a taxicab may charge for the use of a taxicab within town in an amount greater than the rates approved by the town's Board of Commissioners. A list of the currently approved rates is on file in the office of the Town Clerk. A sign containing the rates shall be posted in a conspicuous place within the taxicab where it will be visible to passengers.

(B) Every passenger shall be responsible for paying the fares as posted inside the taxicab for the services rendered to the passenger. Failure to pay such fare shall be a misdemeanor and upon conviction shall be punished in accordance with G.S. 14-4(a).

Sec. 116.34. - Driver's permit.

(A) *Driver's permit required.* No person shall drive any taxicab carrying passengers for hire from place to place within the town, or within a distance of five miles thereof, unless that person shall have first applied to and secured from the chief of police a permit to drive a taxicab. Permits are valid only for the holder named on the permit. Upon receipt of an application for a permit to drive a taxicab within the town, the Chief of Police shall issue a permit, if consistent with this section.

(B) *Certain drivers entitled to permits.* All persons who hold taxi driver's permits issued by the Town of Beaufort as of the effective date and time of the adoption of this article shall be entitled to a driver's permit under this section which shall be valid for one year following the effective date hereof.

Following the expiration of the one-year time period, all drivers shall comply with the licensing and renewal process contained herein. Nothing contained in this section shall prevent the Chief from revoking the permit of any driver prior to the expiration of the one-year time period if any grounds for revocation exist.

(C) Application and application fee.

(1)(a) The application for a permit or a renewal permit to drive a taxicab shall be made upon forms furnished by the Chief for such purpose, and shall, among other things, state the following:

1. Name and address of applicant;
2. Physical condition and physical description of the applicant;
3. Name and address of former employers;
4. Criminal record and driving history; and
5. Name of company with whom applicant intends to work.

(b) Each application shall be signed and sworn to by the applicant and shall submit a copy of the applicant's North Carolina driver's license. In addition each applicant shall submit to a controlled substance test as directed by the Chief, provide authorization for release of the results of such testing to the Chief and those involved in the permitting process or any appeals. The cost of the testing shall be borne by the applicant. The request for testing and the results of the test both shall constitute and become part of the application. The applicant shall further appear at the Police Department for the purpose of having his or her fingerprints taken and photograph made, both of which constitute part of his or her application.

(2) The application shall be accompanied by an application processing fee in the amount established by the Board of Commissioners from time to time, a schedule of which is on file in the office of the Town Clerk for the purposes of defraying the expenses involved in processing the application and conducting the background investigation. This charge shall be nonrefundable.

(D) Chief of Police to investigate. The Chief of Police shall investigate the facts stated in the application, taking into account the factors set forth in subsection (E) below. A criminal history shall be requested from sources permitted by law.

(E) Refusal and revocation. The following factors shall be deemed sufficient grounds upon which the Chief may refuse to issue a driver's permit or may revoke a permit of any driver already issued the permit:

- (1) Conviction of a felony against the state or conviction of any offense against another state which would have been a felony if committed in this state. This section shall not apply to felony convictions which occurred ten years from the date of the application;
- (2) Violation of any federal or state law relating to the use, possession or sale of any alcoholic beverage as defined by G.S. Chapter 18B or any controlled substance as defined by G.S. [Chapter 90](#);
- (3) Addiction to or habitual use of any alcoholic beverage as defined by G.S. Chapter 18B or use of any controlled substances as defined by G.S. [Chapter 90](#) not therapeutically prescribed;
- (4) Conviction of any federal or state law relating to prostitution;
- (5) Not being a citizen of the United States or an alien with a valid Permanent Resident Card or Employment Authorization Document (the Police Chief shall verify all information related to an alien with the United States Immigration and Naturalization Service);
- (6) Five violations, or three convictions within a one-year period of time, of any city, county or state traffic or safety ordinance or law. For purposes of this subsection, a conviction is a violation. Violations resulting in not guilty verdicts are not counted for purposes of this section;
- (7) A single conviction of a city, county or state traffic or safety ordinance or law that grossly endangers the lives of the driver, his or her passenger(s), or the community;
- (8) Conviction of any crime involving the use of a weapon of any type;

(9) Repeated and persistent acts impugning the driver's truthfulness or veracity, including but not limited to fraud or deception;

(10) If the applicant, whether initial or for renewal, shall refuse to submit to a controlled substance test or if the applicant's controlled substance test result reveals a positive level for any of the controlled substances listed in G.S. 90-89 through 90-94, the application for permit or renewal shall be denied. If the applicant, whether for initial permit or for renewal, is denied a permit as a result of a positive controlled substance test, the driver may not operate a vehicle for hire until a permit is issued and must wait six months from the date of the denial before re-applying for a permit. Any re-application shall be treated for fee purposes as an initial application; and

(11) Failure of applicant to hold a valid driver's license issued by the State of North Carolina.

(F) *Fee; term; renewal.* Upon issuance of a taxicab driver's permit, subject to the provisions of this section, the person to whom such permit is issued shall pay the fee as may be required by the town. Such permit shall be renewed annually. Upon the application for renewal, the applicant for renewal shall be subject to the same investigation as required for initial issuance and shall pay such renewal fee as may be required by the town.

(G) *Interim permits.* An interim permit may be issued by the Chief for permission to drive engage in the transportation of passengers for hire while the above application is being filed and investigated; if in the Chief's opinion the applicant is of good character and reputation. The permit shall not be valid for more than 30 days.

(H) *Appeals; hearing.*

(1) Any driver denied a permit by the Chief or whose a permit has been revoked by the chief once issued shall have the right to file an appeal to the Board of Commissioners. The driver shall have ten days from the receipt of notice of the denial or revocation to file a written request for a hearing with the Board of Commissioners. Upon the receipt of a written request, the Town Clerk shall schedule a hearing with the Board at the next regular meeting and send written notice to the driver of the date, time and place of hearing.

(2) At the hearing, the driver shall have the right to present evidence as to why the permit should be granted or reinstated. If the Board determines that grounds for denial or revocation exist, the decision of the Police Chief shall stand. If the Board determines that grounds for denial or revocation did not exist, the permit shall be granted or reinstated.

Sec. 116.36. - Records and reports.

(A) *Records to be maintained.*

(1) Every operator shall maintain the following records for each vehicle for hire:

(a) For all vehicles for hire, a daily schedule or manifest of the trips made each day including the time, place of origin and destination of each trip and the number of passengers and amount of fare for each trip;

(b) A continuous record of the mileage at the beginning and ending of each month and a report of the dates and reasons for any vehicle being out-of-service during the month;

(c) Copies of all North Carolina Safety Inspection Certificates, if applicable;

(d) Records of the dates of inspection and maintenance of the vehicle including the types and results of inspections and any maintenance performed;

(e) A list of all drivers of the vehicles for hire; and

(f) Copies of insurance policies and changes to insurance.

(2) The records shall be maintained for a period of two years, except that drivers' manifests shall be maintained for 90 days.

(B) *Inspection of records and reports of operators.*

(1)The Town Manager or the Chief have the right to inspect the records of an operator at any time during normal business hours of operation. In addition, the operator shall provide reports to the Chief as follows:

- (a)On the first day of each month, the operator shall provide a report to the Chief listing the number of taxicabs actually in operation during the preceding month including the license plate number and vehicle identification number of each vehicle in operation and the name of each driver employed by the operator;
- (b)A report of the termination of employment of any driver for any reason within 15 days of the date of termination;
- (c)A copy of the North Carolina Safety Inspection Certificate within 15 days of the annual inspection of each vehicle, if applicable; and
- (d)A report of the revocation of the North Carolina driver's license of the driver or any conviction of the driver of any offenses described in [§ 116.34\(E\)](#) within five days thereof.

(2)The Police Chief may require such reports to be made on forms approved and developed by the town. The failure to provide any of the reports set forth above shall be grounds for revocation of a certificate. In addition, each failure shall subject the operator to the penalties set forth in [§ 116.99](#).

Sec. 116.99. - Penalty.

(A)Any violation of G.S. [116.01](#) et seq. shall constitute a misdemeanor and shall be punishable as provided by [section 10.99](#). Each day's violation shall be deemed a separate offense.

(B)(1)*Civil penalty.* In addition to all other remedies and sanctions available to the town or imposed under law, there is hereby imposed a civil penalty in the amount of \$50.00 for the first violation of any provision of G.S. [116.25](#) et seq. in any 12-month period and \$100.00 for any subsequent violation in a 12-month period.

(a)The levying of civil penalties may be initiated by any police officer giving written notice of the violation along with a statement that a civil penalty is being imposed. The notice shall inform the recipient that he or she may appeal the civil penalty within ten days to the Chief. If an appeal is made, a hearing shall be held before the chief, who, following the hearing, shall affirm or reverse the imposition of the penalty. A notice of violation that is not appealed, or one affirmed after appeal, shall be considered finally assessed.

(b)For the second and successive violations of any of the provisions of this chapter during any 12-month period, the civil penalty shall be double that for the first violation.

(c)Civil penalties shall be paid within 30 days to the office of the Revenue Collector of the town. If not so paid, the town may initiate a civil action in the nature of debt to collect any unpaid penalty.

(d)Any permit required to be issued or renewed under [§ 116.25](#) et seq. shall not be issued or renewed unless and until all civil penalties that have been assessed against the applicant, or any employee of the applicant, have been paid in full.

(2)*Misdemeanor offenses.* In addition to the civil penalty, violations may also be punishable as a misdemeanor offense, each day's continuing violation constituting a separate offense. The maximum misdemeanor fine is greater than \$50.00.

Sec. 130.01. - Discharge of firearms.

(A)It shall be unlawful to use, hunt with or discharge within the corporate limits of the town any shotgun, rifle, pistol or other firearm except for the purposes and in the manner set forth herein. As used herein the term *firearm* shall not include a pellet gun, air rifle, BB gun or similar gun having or using a mechanism or device to project a missile by a compressed air or mechanical action with less than deadly force.

(B)The use or discharge of a shotgun, rifle, pistol or other firearm shall not be unlawful when used in the defense of person or property or when used or discharged pursuant to lawful directions of law enforcement officers, or when possessed, used or discharged by law enforcement officers, or when

possessed, used or discharged by law enforcement officers pursuant to their lawful duties. Additionally, the use or discharge of a shotgun, rifle, pistol or other firearm shall not be unlawful when used in a drama, play, contest, historic re-enactment or other events and activities so long as a permit has been obtained from the police department for the use of the firearm at the time in question and for the purpose stated in the permit.

State Law reference— Regulation of weapons, see G.S. 160A-174, 160A-189, 160A-190.

Sec. 130.02. - Projectiles; archery ranges.

No person shall shoot or project any stone, rock, shot or other hard substance by means of a sling shot, bean shooter, shot shooter, air rifle, pop gun, bow or other similar contrivance, provided that archery shooting may be engaged in on the grounds as may be set aside and approved therefor by the Board of Commissioners.

Sec. 130.03. - Indecent exposure.

(A)It shall be unlawful for any person to willfully expose his or her private parts in any public place and in the presence of any other person. The practices and actions made unlawful herein shall include but not necessarily be limited to the act of one person in a public place urinating in the presence of another person in a public place.

(B)As used in this section, the term *public place* shall include but is not limited to a public street, public road, public sidewalk, public boardwalks, public docks, on property normally occupied by others and the act of urination is in an open area easily visible by others and the public.

Sec. 130.09. - Taylor's Creek no-wake zone.

The no-wake regulations for all of Taylor's Creek within the town's jurisdiction, as adopted by the state's Wildlife Resource Commission on January 29, 1979, shall be enforced for all of Taylor's Creek through the eastern limits of the town, and appropriate and adequate markers in accordance with the state's Wildlife Resource Commission rules and regulations shall be placed in appropriate places along Taylor's Creek so that the state's Wildlife Resource Commission and the police officers of the town may enforce the wildlife regulations.

Sec. 151.27. - Corrective procedures.

(A)*Violations to be corrected.* When the Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to their property.

(B)*Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

- (1)That the building or property is in violation of the Flood Damage Prevention Ordinance;
- (2)That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
- (3)That following the hearing, the Floodplain Administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

(C)*Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

(D)*Appeal.* Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator

and the Clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(E)*Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

Sec. 151.40. - General standards.

In all special flood hazard areas the following provisions are required:

(A)All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(B)All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(C)All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.

(D)Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator and the like), hot water heaters, electric outlets/switches.

(E)All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(F)New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(G)On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(H)Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this chapter, shall meet the requirements of new construction as contained in this chapter.

(I)Non-conforming structures or other development may not be enlarged, replaced or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this chapter. Provided, however, nothing in this chapter shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this chapter and located totally or partially within the floodway, non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area or stream setback is not increased and provided that the repair, reconstruction or replacement meets all of the other requirements of this chapter.

(J)New solid waste disposal facilities, hazardous waste management facilities, salvage yards and chemical storage facilities shall not be permitted in special flood hazard areas. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according hereto.

Sec. 151.41. - Specific standards.

In all special flood hazard areas where Base Flood Elevation (BFE) data has been provided, as set forth in [§ 151.40](#), the following provisions are required:

(A)*Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.

(B)*Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation. Structures located in A, AO, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth herein.

(C)*Manufactured homes.*

(1) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation.

(2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse and lateral movement in accordance with the *State of North Carolina Regulations for Manufactured/Mobile Homes*, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to G.S. 143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

(3) All foundation enclosures or skirting shall be in accordance herewith.

(4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within floodprone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.

(D)*Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas that are below the regulatory flood protection elevation shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises, be constructed entirely of flood resistant materials below the regulatory flood protection level and meet the following design criteria:

(1) In A, AO, AE, and A1-30 zones:

(a) *Measures.* Measures for complying with this requirement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum design criteria:

1. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
2. The total net area of all openings must be at least one square inch for each square foot of each enclosed area subject to flooding.
3. If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter;
4. The bottom of all required openings shall be no higher than one foot above the adjacent grade; and
5. Openings may be equipped with screens, louvers, or other opening coverings or devices provided they permit the automatic flow of floodwaters in both directions;

(b) *Foundation enclosures.*

1.Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore such skirting does not require hydrostatic openings as outlined above.

2.Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this chapter.

3.Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

(2)In Coastal High Hazard Areas (VE and V1-30 zones):

(a)*Breakaway walls, lattice work or decorative screening.* Breakaway walls, lattice work or decorative screening shall be allowed below the regulatory flood protection elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:

1.Material shall consist of open wood lattice or mesh insect screening; or

2.Breakaway walls meeting the following design specifications:

a.Design safe loading resistance of each wall shall be not less than ten nor more than 20 pounds per square foot; or

b.If more than 20 pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.

(b)*Additions/improvements.*

1.Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure

a.Are not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

2.Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.

3.Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:

a.Are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

b.Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

4.Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(E)*Recreational vehicles.* Recreation vehicles placed on sites within a special flood hazard area shall either:

(1)Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions); or

(2) Meet all the requirements for new construction, including anchoring and elevation requirements hereof.

(F) *Temporary structures.* Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met:

(1) Applicants must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:

(a) A specified time period for which the temporary use will be permitted;

(b) The name, address and phone number of the individual responsible for the removal of the temporary structure;

(c) The time frame prior to the event at which a structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(d) A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and

(e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area to which the temporary structure will be moved.

(2) The above information shall be submitted in writing to the Floodplain Administrator for review and written approval.

(G) *Accessory structures.* When accessory structures (sheds, detached garages and the like) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(1) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);

(2) Accessory structures shall be designed to have low flood damage potential;

(3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(4) Accessory structures shall be firmly anchored in accordance herewith;

(5) All service facilities such as electrical and heating equipment shall be installed in accordance herewith;

(6) Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance herewith;

(7) An accessory structure with a footprint less than 150 square feet does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance herewith.

Sec. 151.42. - Subdivisions, manufactured home parks and major developments.

All subdivision, manufactured home park and major development proposals located within special flood hazard areas shall:

(A) Be consistent with the need to minimize flood damage;

(B) Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(C) Have adequate drainage provided to reduce exposure to flood hazards; and

(D) Have Base Flood Elevation (BFE) data provided if development is greater than the lesser of five acres or 50 lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per these provisions to be utilized in implementing this code.

Sec. 151.43. - Standards for floodplains without established base flood elevations.

Within the special flood hazard areas established herein, where no Base Flood Elevation (BFE) data has been provided, the following provisions shall apply:

(A) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of

the stream whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) If § 151.42 is satisfied and Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this chapter and shall be elevated or floodproofed in accordance with elevations established in accordance herewith. When Base Flood Elevation (BFE) data is not available from a federal, state or other source, the reference level, including basement, shall be elevated at least two feet above the highest adjacent grade. (Two feet is minimum but a state standard, greater than two feet is optional.)

Sec. 151.44. - Standards for floodplains with BFE but without established floodways or non-encroachment areas.

Along rivers and streams where Base Flood Elevation (BFE) data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS, no encroachments, including fill, new construction, substantial improvements or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Sec. 151.45. - Floodways and non-encroachment areas.

(A) Located within the special flood hazard areas established herein are areas designated as floodways or non-encroachment areas. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles.

(B) The following provisions shall apply to all development within such areas:

(1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the Floodplain Administrator prior to issuance of floodplain development permit.

(2) If these provision are satisfied, all development shall comply with all applicable flood hazard reduction provisions of this chapter.

(3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision provided the following provisions are met:

(a) the anchoring and the elevation standards hereof the no encroachment standards hereof are met.

(b) The no encroachment standards of subsection (B)(1) are met.

Sec. 151.46. - Coastal high hazard areas (VE and V1-30 Zones).

Coastal High Hazard Areas are Special Flood Hazard Areas established herein, and designated as Zones VE or V1-30. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this chapter, the following provisions shall apply to all new construction, substantial improvements and all other development:

(A) All development shall:

(1) All development shall be located landward of the reach of mean high tide;

(2) Be located landward of the first line of stable natural vegetation, and

(3) Comply with all applicable CAMA setback requirements.

(B) All development shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the regulatory flood protection elevation.

Floodproofing may not be utilized on any structures in Coastal High Hazard Areas to satisfy the regulatory flood protection elevation requirements.

(C) All space below the regulatory flood protection elevation shall be open so as not to impede the flow of water.

(D) Open wood lattice work or mesh insect screening may be permitted below the regulatory flood protection elevation for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with [§ 151.41\(D\)\(2\)](#). Design plans shall be submitted in accordance with [§ 151.26\(A\)\(3\)\(c\)](#).

(E) All development shall be securely anchored on pilings or columns.

(F) All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

(G) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in [§ 151.41\(A\)](#) and subsections (D), (E) and (H).

(H) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Design plans shall be submitted in accordance with [§ 151.26\(A\)\(3\)\(c\)](#). The Floodplain Administrator may approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect and/or soil scientist which demonstrates that the following factors have been fully considered:

- (1) Particle composition of fill material does not have a tendency for excessive natural compaction;
- (2) Volume and distribution of fill will not cause wave deflection to adjacent properties; and,
- (3) Slope of fill will not cause wave run-up or ramping.

(I) There shall be no alteration of sand dunes which would increase potential flood damage.

(J) No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards are in compliance with this section of code.

(K) Recreational vehicles shall be permitted in coastal high hazard areas provided that they meet the recreational vehicle criteria of [§ 151.41\(E\)\(1\)](#) and the temporary structure provisions of [§ 151.41\(F\)](#).

Sec. 151.47. - Standards for areas of shallow flooding (AO zones).

(A) Located within the Special Flood Hazard Areas established herein, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate.

(B) The following provisions shall apply within such areas:

(1) All new construction and substantial improvements of all structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least to the regulatory flood protection elevation as defined for the Special Flood Hazard Areas where no BYE has been established.

(2) All new construction and substantial improvements of non-residential structures shall have the option to, in lieu of elevation, be completely floodproofed together with attendant utilities and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the

capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per §§ [151.26](#)(C) and [151.41](#)(B).

Sec. 151.99. - Penalty.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Town of Beaufort from taking such other lawful action as is necessary to prevent or remedy any violation.

